

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Lockport

FILED  
STATE RECORDS

DEC 14 2016

DEPARTMENT OF STATE

Local Law No. 9 of the year 2016

A local law Second Extension of a Moratorium upon the Disposal of Sludge, Sewage Sludge, Septage  
(Insert Title)  
and Bio Mass

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Lockport as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 9 of 2016 of the (County)(City)(Town)(Village) of Lockport was duly passed by the Town Board on December 7 2016, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 \_\_\_\_\_ above.

*Nancy G. Brooks*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12-8-2016

(Seal)



Be it enacted by the Town Board of the Town of Lockport as follows:

**SECTION 1. FINDINGS, PURPOSE AND INTENT.**

The Town Board of the Town of Lockport enacted a moratorium upon the disposal of sludge, sewage sludge, septage and bio mass by Local Law on September 2, 2015, and said Local Law was filed with the Secretary of State on September 17, 2015. The Town Board of the Town of Lockport then extended the moratorium by Local Law on March 2, 2016, and said Local Law was filed with the Secretary of State on March 17, 2016.

The Town Board of the Town of Lockport continues to have under consideration and to review potential amendments to the Town Code in regard to solid waste and recycling. Matters pertaining to solid waste and recycling activity within the Town emphasizes the need for suitable regulation under existing and clearly established standards in an effort to plan for and protect the health, safety and well being of the citizens of and property in the Town of Lockport. The existing provisions contained in Chapter 156 of the Town Code of the Town of Lockport may not create and meet such appropriate standards and controls to allow for a harmonious balance and to protect the health, safety and well being of the citizens and property in the Town of Lockport. The Town Board desires to continue to review and address, in a careful manner, provisions relating to solid waste and recycling and the disposal of sludge, sewage sludge, septage and bio mass on a comprehensive and town wide basis and to amend and/or adopt appropriate provisions to achieve these purposes.

Further, the Town Board understands that other local municipalities have recently enacted and/or amended local laws regarding solid waste and recycling and the disposal of sludge, sewage sludge, septage, and bio mass. The Town Board further understands that certain of these local laws are still being challenged by the New York State Department of Agriculture and Markets and/or through private litigation, including a pending Notice of Appeal at the State Appellate Division, Fourth Department. In order to fully consider and review the outcome of these challenges, the Town Board of the Town of Lockport finds it prudent and necessary to again extend its moratorium applicable to solid waste and recycling and the disposal of sludge, sewage sludge, septage and bio mass.

This moratorium is intended to ensure that no approvals for such land use application be granted or permitted until this Board can complete its planning studies and has had the opportunity to consider and enact appropriate amendments to the Code.

**SECTION 2. AUTHORITY.**

This Local Law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law of the State of New York, and pursuant to the police powers of the Town of Lockport. This Local Law is further enacted pursuant to the zoning authority vested in the Town of Lockport and to the authority set forth in the Municipal Home Rule Law Section 10(1)(ii)(a)(1).

and 10(1)(ii)(d)(3). To the extent that any provision of this Law is inconsistent with any other Town Law, including Town Law Sections 261, 262, 263, 269, 270, 271, 274(a) and 274(b), such Laws are expressly superseded by the provisions of this Law, as authorized by said Sections of the Municipal Home Rule Law.

### SECTION 3. APPLICATION.

This Law shall apply to any and all solid waste and recycling and disposal of sludge, sewage sludge, septage and bio mass with the Town.

### SECTION 4. DURATION.

This Law shall be in effect for one year from and after its adoption and filing.

### SECTION 5. SCOPE.

During the effective period of this Local Law, no Board or Agency of the Town shall accept, process, review, recommend or grant approval for solid waste and recycling processing or the disposal of sewage, sewage sludge, septage, or bio mass. No permit shall be issued for such activity, and no application shall be accepted or processed for such activity during such time. Such activity is hereby banned during this time.

### SECTION 6. EXISTING ACTIVITIES.

Any or all projects with the Town having a current permit to dispose of sewage, sewage sludge, septage or bio mass shall not be affected by the terms and provisions of this Local Law.

### SECTION 7. SEVERABILITY.

The invalidity of any word, section, clause, paragraph, sentence or part or provision of this Local Law shall not affect the validity or any other part of this Local Law which shall be in effect.

### SECTION 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State.